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 of the State of California
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 4 Telephone: (619) 237-7811
 5 Attorneys for Complainant

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 7
 8 BEFORE THE DIVISION OF MEDICAL QUALITY
 9 BOARD OF MEDICAL QUALITY ASSURANCE
 10 DEPARTMENT OF CONSUMER AFFAIRS
 11 STATE OF CALIFORNIA
 12

13 In the Matter of the Accusation) NO. D-2898
 Against:)
 14)
 MILTON GOLDMAN, M. D.) STIPULATION FOR SETTLEMENT
 15 81-840 Avenue 46) AND ORDER
 Indio, California)
 16)
 License No. A-6627)
 17)
 Respondent.)
 18)

19 IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN THE
 20 PARTIES to the above-entitled matter that the following
 21 allegations are true.

22 1. Robert Rowland, complainant herein, and Executive
 23 Director of the Board of Medical Quality Assurance of the State
 24 of California, is represented by John K. Van De Kamp, Attorney
 25 General of the State of California, by Barry D. Ladendorf,
 26 Deputy Attorney General.

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1 2. Milton Goldman, M.D. (hereinafter respondent) is
2 represented by Steve C. Geeting, Esq., who has been retained as
3 his attorney in regard to the administrative action herein and
4 that the respondent has counseled with Steve Geeting concerning
5 the effect of the stipulation, which the respondent herein has
6 carefully read and fully understands.

7 3. The respondent has received and read the
8 accusation which is presently on file and pending as case number
9 D-2898 before the Division of Medical Quality of the Board of
10 Medical Quality Assurance, State of California.

11 4. Respondent understands the nature of the charges
12 alleged in the above-mentioned accusation and that said charges
13 and allegations would constitute cause for imposing discipline
14 upon respondent's medical license heretofore issued by the Board
15 of Medical Quality Assurance.

16 5. The respondent and his counsel are aware of each
17 of respondent's rights, including the right to a hearing on the
18 charges and allegations, the right to confront and cross examine
19 witnesses who would testify against him, the right to present
20 evidence in his favor or to call witnesses on his behalf, or to
21 testify himself, his right to contest the charges and
22 allegations, and any other rights which may be accorded to him
23 pursuant to California Administrative Procedure Act (Gov. Code §
24 11500, et seq.), his right to reconsideration, review by the
25 Superior Court or other appeals; that respondent understands
26 that in signing this stipulation rather than contesting the
27 accusation, he is enabling the Board of Medical Quality

1 Assurance to issue this order as their decision from this
2 stipulation without further process.

3 6. Respondent freely and voluntarily waives each and
4 every one of the rights set forth herein above; that respondent,
5 rather than contesting the charges in the accusation presently
6 on file at a formal hearing, for the sole purpose of this
7 instant proceeding before the Division of Medical Quality and no
8 other, admits he is subject to disciplinary action by reason of
9 the following:

10 ALLEGATIONS - T [REDACTED] MATTER

11 At all times herein mentioned James T [REDACTED] was a
12 patient of respondent and was treated by respondent as follows:

13 Respondent's treatment of James T [REDACTED] began
14 on September 6, 1977, with a diagnosis of an active
15 keloid tumor of the right shoulder. The patient
16 was treated with Chymoral 100 mg. t.i.d.

17 On or about September 20, 1977, respondent
18 provided x-ray treatment to the anterior and
19 posterior of the right shoulder.

20 On or about September 27 October 6, and
21 October 20, 1977, respondent provided x-ray treat-
22 ment to the right shoulder.

23 On or about November 22, 1977, respondent
24 ordered and obtained chest and shoulder x-rays of
25 T [REDACTED]. The chest and shoulder x-rays were read
26 as normal.

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1 On or about January 10, 1978, the patient gave
2 a history of repeated trauma to the right shoulder
3 in the course of his work at a stationery store.

4 On or about May 18, 1978 respondent made a
5 further diagnosis of cellulitis of the entire right
6 shoulder and treated it with Pen UK 250 mg. Two
7 x-ray treatments were also provided to the right
8 shoulder on that date.

9 On or about May 19, 1978, and May 20, 1978,
10 respondent provided x-ray treatment to the right
11 shoulder.

12 Thereafter no further treatment was provided by
13 respondent. Respondent recommended to the patient that he see
14 an orthopedic surgeon for consultation.

15 Respondent's management and treatment of patient James
16 T [REDACTED] is unprofessional conduct and a violation of section
17 2361(b) [2234(b)] by reason of the following

18 Respondent failed to obtain the medical records
19 from earlier treating physicians.

20 In spite of the patient's positive history
21 for recurrent carcinoma, respondent failed to
22 provide proper treatment and followup care, to wit:
23 Respondent treated patient for a benign lesion
24 without first biopsying the lesion to assure the
25 absence of a malignancy. When the patient did
26 not respond to treatment, respondent should have

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/

1 made more aggressive attempts at diagnosis and/or
2 obtained a consultation.

3 As a result of respondent's failure to adequately
4 diagnose and treat T [REDACTED]'s lesion as described above,
5 respondent is subject to discipline.

6 B [REDACTED] MATTER

7 At all times herein mentioned Mary B [REDACTED] was a
8 patient of respondent.

9 On or about May 7, 1980, B [REDACTED] went to respondent's
10 office to have three warts on her right heel examined.
11 Respondent biopsied the warts and on May 14, 1980, advised
12 B [REDACTED] that the warts were malignant.

13 Respondent treated the alleged malignancy with
14 radiation x-ray therapy on the following dates: May 14, 16, 19,
15 21, 23, 28, 30, 1980, and June 2, 1980.

16 On or about June 2, 1980, respondent diagnosed a
17 basosquamous malignancy on the right side of B [REDACTED]'s nose.
18 Respondent treated the lesion by cryosurgery.

19 On or about June 2, 1980, respondent diagnosed a
20 basosquamous malignancy on the anterior thorax. This lesion was
21 removed by cryosurgery.

22 Respondent's management and treatment of patient Mary
23 B [REDACTED] is unprofessional conduct and a violation of section
24 2361(b) [2234(b)] by reason of the following:

25 Respondent's diagnosis of squamous cell
26 carcinoma of the right heel was in error. Respondent

27 /

1 knew or should have correctly diagnosed B■■■■'s
2 condition as a Verruca Vulgaris (plantar wart).

3 As a result of respondent's incorrect diagnosis,
4 he subjected his patient to unnecessary exposure by
5 the radiation treatment described in paragraph 8
6 above.

7 Respondent failed to properly manage and
8 evaluate his treatment of the lesion described on
9 the anterior thorax and the lesion described on the
10 right side of the nose, to wit:

11 Respondent failed to biopsy the
12 lesions.

13 Respondent failed to establish an
14 exact diagnosis.

15 Respondent failed to properly
16 evaluate the staging of the alleged tumor
17 or its depth of invasion before selecting
18 the best treatment.

19 Respondent failed to record in his
20 records accurately and consistently the
21 exact location of the lesions.

22 As a result, respondent is subject to discipline.

23 7. At all times herein mentioned respondent held
24 license number A-6627 authorizing him to practice as a physician
25 and surgeon in the State of California.

26 8. Based on all the foregoing admissions,
27 stipulations and recitals it is stipulated and agreed that the

1 Division of Medical Quality may issue the following order as
2 their decision in this matter.

3 ORDER

4 It is hereby ordered that license number A-6627 issued
5 to respondent, Milton Goldman, M. D., is revoked. However, said
6 revocation is stayed and respondent is placed on probation for
7 five years upon the following terms and conditions:

8 1. Within sixty days of the effective date of this
9 decision, respondent shall take and pass an oral clinical
10 examination to be administered by the Division or its designee.
11 If respondent fails this examination, respondent must wait three
12 months between reexaminations, except that after three failures,
13 respondent must wait one year to take each necessary reexamination
14 thereafter. The Division shall pay the costs of the first
15 examination and respondent shall pay the costs of any subsequent
16 examinations. Respondent shall not practice medicine until
17 respondent has passed this examination and has been so notified
18 by the Division in writing.

19 2. Within 90 days of the effective date of this
20 decision, and on an annual basis thereafter, during probation,
21 respondent shall submit to the Division for its prior approval
22 an educational program or course related to general medicine
23 with emphasis in cancer, diagnosis, which shall not be less
24 than 40 hours per year, for each year of probation. This program
25 shall be in addition to the continuing medical education
26 requirements for relicensure.

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1 3. During probation, respondent is prohibited from
2 using radiation as a treatment modality in his practice, except
3 that respondent may use Grenz Ray for dermatitis therapy.

4 4. Respondent shall refer any patient who he has
5 diagnosed as having cancer to a Board certified oncologist for
6 consultation and confirmation of said diagnosis. In addition,
7 respondent shall refer for treatment to a Board certified
8 oncologist any of his patients who have a cancer or malignancy.
9 Respondent, during his probation, shall not treat any patient
10 for cancer.

11 5. Respondent shall obey all federal, state and local
12 laws and all rules governing the practice of medicine in
13 California,

14 6. Respondent shall submit quarterly declarations
15 under penalty of perjury on forms provided by the Division
16 stating whether there has been compliance with all conditions
17 of probation.

18 7. Respondent shall comply with the Division's
19 probation surveillance program.

20 8. Respondent shall appear in person for interviews
21 with the Division's medical consultant upon request at various
22 intervals and with reasonable notice.

23 9. In the event respondent should leave California to
24 reside or to practice outside the State, respondent must notify
25 in writing the Division of the dates of departure and return.
26 Periods of residency or practice outside California will not
27 apply to the reduction of this probationary period.

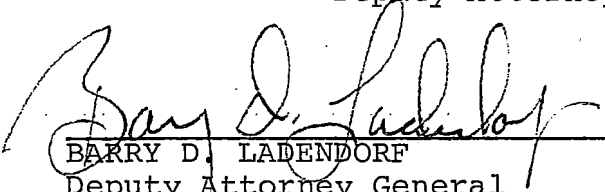
1 10. Upon successful completion of probation respondent's
2 certificate will be fully restored.

3 11. If respondent violates probation in any respect,
4 the Division after giving respondent notice and the opportunity
5 to be heard, may revoke probation and carry out the disciplinary
6 order that was stayed. If an accusation or petition to revoke
7 probation is filed against the respondent during probation, the
8 Division shall have continuing jurisdiction until the matter is
9 final. And the period of probation shall be extended until the
10 matter is final.

11 I concur with the stipulation and order.

12 DATE: *March 15, 1983*

13 JOHN K. VAN DE KAMP, Attorney General
14 BARRY D. LADENDORF,
Deputy Attorney General

15 
16 BARRY D. LADENDORF
17 Deputy Attorney General

18 Attorneys for Complainant

19
20 I concur in the stipulation and order.

21 DATE: *April 20 1983*

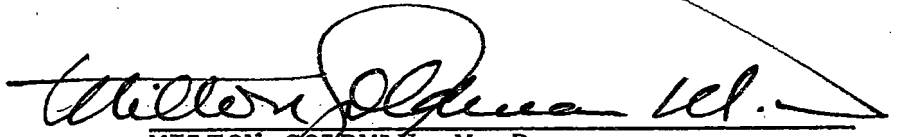
22 THOMPSON AND COLGATE

23 
24 STEVEN C. GEETING, Esq.

25 Attorneys for Respondent
26
27

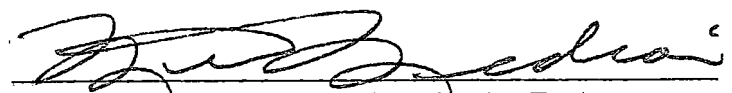
1 I have read the above document fully and discussed it
2 with my counsel. I understand that by its terms I will be
3 waiving certain rights accorded me by California law. I also
4 understand that by its terms the Board of Medical Quality
5 Assurance will issue a decision and order on this stipulation
6 whereby my license to practice medicine will be subject to
7 certain conditions. I agree to the above stipulation for
8 settlement.

9 DATE: *April 10, 1983*

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12 MILTON GOLDMAN, M. D.
13 Respondent
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15 The foregoing is adopted as a decision of the Division
16 of Medical Quality of the Board of Medical Quality Assurance in
17 this matter and shall be effective on the 18th
18 day of July, 1983.

19 It is so ordered this 16th day of June,
20 1983.

21 
22 MILLER MEDEARIS, Secretary-Treasurer
23 DIVISION OF MEDICAL QUALITY
24 BOARD OF MEDICAL QUALITY ASSURANCE
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26
27

REDACTED

1 GEORGE DEUKMEJIAN, Attorney General
2 BARRY D. LADENDORF,
3 Deputy Attorney General
4 110 West "A" Street, Suite 700
5 San Diego, California 92101
6 Telephone: (714) 237-7811

7 Attorneys for Complainant

8 BEFORE THE DIVISION OF MEDICAL QUALITY
9 BOARD OF MEDICAL QUALITY ASSURANCE
10 DEPARTMENT OF CONSUMER AFFAIRS
11 STATE OF CALIFORNIA
12

13 In the Matter of the Accusation
14 Against:

No. D-2898

15 MILTON GOLDMAN, M. D.
16 81-840 Avenue 46
17 Indio, California

ACCUSATION

18 License No. A-6627

Respondent.

19 Robert Rowland alleges:

20 1. He is the Executive Director of the Board of
21 Medical Quality Assurance and makes these charges and allegations
22 in his official capacity.

23 LICENSE STATUS

24 2. At all times herein mentioned Milton Goldman, M.D.
25 (hereinafter "respondent") held license No. A-6627 authorizing
26 him to practice as a physician and surgeon in the State of
27 California.

STATUTES

3. Section 2361 [2234] of the Business and Professions Code (all references are to the Business and Professions Code unless otherwise stated) provides in part that the Division of Medical Quality shall take action against any licensee who is charged with unprofessional conduct including:

"(b) gross negligence.

"(d) incompetence.

ALLEGATIONS - T [REDACTED] MATTER

4. At all times herein mentioned James T [REDACTED] was a patient of respondent and was treated by respondent as follows:

(a) Respondent's treatment of James

T [REDACTED] began on September 6, 1977, with a diagnosis of an active keloid tumor of the right shoulder. The patient was treated with Chymoral 100 mg. t.i.d.

(b) On or about September 20, 1977, respondent provided x-ray treatment to the anterior and posterior of the right shoulder.

(c) On or about September 27, October 6, and October 20, 1977, respondent provided x-ray treatment to the right shoulder.

(d) On or about November 22, 1977, respondent ordered and obtained chest and shoulder x-rays of T [REDACTED]. The chest and shoulder x-rays were read as normal.

/

(e) On or about January 10, 1978, the patient gave a history of repeated trauma to the right shoulder in the course of his work at a stationery store.

(f) On or about May 18, 1978, respondent made a further diagnosis of cellulitis of the entire right shoulder and treated it with Pen UK 250 mg. Two x-ray treatments were also provided to the right shoulder on that date.

(g) On or about May 19, 1978, and May 20, 1978, respondent provided x-ray treatment to the right shoulder.

Thereafter, no further treatment was provided by respondent. Respondent recommended to the patient that he see an orthopedic surgeon for consultation.

5. Respondent's management and treatment of patient James T. [REDACTED] is unprofessional conduct and a violation of section 2361(b) [2234(b)] by reason of the following:

(a) Respondent failed to obtain the medical records from earlier treating physicians.

(b) In spite of the patient's positive history for recurrent carcinoma, respondent failed to provide proper treatment and follow-up care, to wit: Respondent treated patient for a benign lesion without first biopsying the lesion to assure the absence of a malignancy. When patient did not respond to treatment,

respondent should have made more aggressive attempts at diagnosis and/or obtained a consultation.

As a result of respondent's failure to adequately diagnose and treat T [REDACTED]'s lesion as described above, respondent is subject to discipline.

B [REDACTED] MATTER

6. At all times herein mentioned Mary B [REDACTED] was a patient of respondent.

7. On or about May 7, 1980, B [REDACTED] went to respondent's office to have three warts on her right heel examined. Respondent biopsied the warts and on May 14, 1980, advised B [REDACTED] that the warts where malignant.

8. Respondent treated the alleged malignancy with radiation-x-ray therapy on the following dates: May 14, 16, 19, 21, 23, 28, 30, 1980, and June 2, 1980.'

9. On or about June 2, 1980, respondent diagnosed a basosquamous malignancy on the right side of B [REDACTED]'s nose. Respondent treated the lesion by cryosurgery.

10. On or about June 2, 1980, respondent diagnosed a basosquamous malignancy on the anterior thorax. This lesion was removed by cryosurgery.

11. Respondent's management and treatment of patient Mary B [REDACTED] is unprofessional conduct and a violation of section 2361(b) [2234(b)] by reason of the following:

(a) Respondent's diagnosis of squamous cell carcinoma of the right heel was in error. Respondent

knew or should have correctly diagnosed B [REDACTED]'s condition as a Verruca Vulgaris (plantar wart).

(b) As a result of respondent's incorrect diagnosis, he subjected his patient to unnecessary exposure by the radiation treatment described in paragraph 8 above.

(c) Respondent failed to properly manage and evaluate his treatment of the lesion described on the anterior thorax and the lesion described on the right side of the nose, to wit:

(1) Respondent failed to biopsy the lesions.

(2) Respondent failed to establish an exact diagnosis.

(3) Respondent failed to properly evaluate the staging of the alleged tumor or its depth of evasion before selecting the best treatment.

(4) Respondent failed to record in his records accurately and consistently the exact location of the lesions.

As a result, respondent is subject to discipline.

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WHEREFORE, the complainant prays the Division hold
a hearing on the allegations herein and following said hearing:

(1) Suspend or revoke the certificate of
respondent; and

(2) Take such other and further action as
the Division deems appropriate to protect the
public health, safety and welfare.

DATED: May 18, 1982



ROBERT ROWLAND
Executive Director
Board of Medical Quality Assurance

Complainant

RECEIVED
MAY 20 1982
DEPARTMENT OF HEALTH SERVICES
DIVISION OF MEDICAL QUALITY ASSURANCE